

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EUGENE THEER, JEANETTE THEER,
AND JASON THEER,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY, a Foreign
Corporation;

Defendant.

4:15CV3148

ORDER

After conferring with counsel,

IT IS ORDERED:

- 1) Any motion to compel Defendant's production of the topographical survey conducted by Defendant's expert on August 10, 2016 shall be filed on or before December 15, 2016.
- 2) Any response shall be filed within seven days thereafter.
- 3) No reply shall be filed absent leave of the court for good cause shown.
- 4) Any motion and response filed in accordance with this order shall address both of the following issues:
 - a) whether the topographical survey must be disclosed as part of Defendant's expert disclosure obligations under Rule 26(a)(2)(B)(ii-iii), and
 - b) whether Defendant's failure to disclose the topographical survey before the rebuttal expert deadline provides a basis for finding good cause to permit Plaintiff's untimely disclosure of a rebuttal expert.

December 8, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge